

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15718 of Donald and Carol Borut, pursuant to 11 DCMR 3107.1, for a variance from the rear yard requirement (Subsection 404.1) for a deck addition to a single-family dwelling in an R-1-B District at premises 6401 31st Place, N.W. (Square 2349, Lot 143).

HEARING DATE: July 15, 1992
DECISION DATE: July 15, 1992

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 6401 31st Place, N.W., on the east side of 31st Place, N.W. between Washington and Tennyson Streets, N.W. The site is rectangular in shape and contains 5,875 square feet of land area. The site has a lot width of 50 feet with eight-foot wide side yards and a rear yard depth of 25 feet. It is similar in size and shape to other lots in the immediate neighborhood. The subject site is developed with a two-story, detached, single-family dwelling.

2. The site does not abut a public alley. The residential area surrounding the site is characterized by having large, single-family, detached dwellings on large lots. The property is zoned R-1-B.

3. The applicants are proposing to construct a rear deck addition to the existing single-family detached dwelling. The proposed deck would measure 18.98 feet in width by 14.5 feet in depth and would be ten feet above grade. The deck would have a surface area of approximately 275 square feet. Access to the deck would be from the existing dwelling and via a staircase from the rear yard of the property.

4. The property is located in the R-1-B District which permits matter of right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, a maximum height of three stories/40 feet, and a minimum rear yard depth of 25 feet.

5. The applicants' property, which contains 5,875 square feet, exceeds the 5,000 square feet required in an R-1-B District. The applicants' lot has an average width of 50 feet which meets the 50-foot lot width required in the R-1-B District. With the proposed deck, the rear yard would measure an average of 22.05

feet, 2.95 feet (or 12 percent) less than the 25-foot rear yard required. Based on these measurements, the applicants are requesting a variance from the rear yard requirement.

6. The applicants' architect (applicants' representative) stated that the lot configuration and the position of the structure thereon present the applicants with a practical difficulty in expanding the house and improving the value, use and appearance of the property. He went on to state that since the main floor is a story above grade at the rear, a deck is required for convenient outdoor living space. Given the configuration of the existing house and addition, and restrained by existing eight-foot side yards, the applicant can expand only to the rear. He also stated that the applicant could build an 11-foot, 6-inch deep deck without a variance but they considered this dimension to be too narrow to be functional for group seating, and therefore require variance relief to expand by 2.95 feet.

7. The applicants' architect maintains that granting the variance will not be of substantial detriment to the public good. He stated that there are porches and decks in the backs of the houses to either side of the subject property and that the proposed deck would project only about four feet past an existing deck to the west. It is the architect's belief that the proposal is consistent with the intent of the zoning regulations and that neighbors' light and ventilation will not be adversely affected by the proposed deck extension.

8. By report dated July 8, 1992, and through testimony at the public hearing, the Office of Planning (OP), noted the physical characteristics of the subject site, the proposed use, and the requested relief. With regards to the rear yard variance, OP stated that the existing rear yard depth of the subject property would be reduced from 25 feet to 22.05 feet with the construction of the proposed deck. OP believes that although the variance relief requested in this case is minimal, there is no uniqueness inherent in the property or other extraordinary or exceptional condition or situation which would create a practical difficulty depriving the applicants of reasonable use of the property. OP stated that a large addition is currently being built onto the rear of the applicants' dwelling. To allow a rear yard deck to extend beyond the new addition into the required rear yard (although only by 2.95 feet) does not appear to be justifiable. The applicants could construct a rear deck as a matter of right if its depth were reduced from the proposed 14.5 feet to 11.5 feet. Therefore, OP recommends denial of this application.

9. Advisory Neighborhood Commission (ANC) 2C filed a letter recommending approval of the subject application based on neighbor support and no objections reported to the ANC.

10. Letters in support of the application were filed by five neighbors who had no objections to the proposed deck addition.

11. No one appeared at the hearing to testify in opposition to the application.

FINDINGS OF FACT:

Based on the evidence of record the Board finds as follows:

1. The subject lot is rectangular in shape with slightly sloping terrain.

2. The applicant can construct a deck with a depth of 11.5 feet as a matter of right.

3. There is no extraordinary or exceptional condition or situation of the property.

4. The Board agrees with the recommendation of the OP.

5. The Board disagrees with the recommendation of the ANC. No issues and concerns were expressed by the ANC.

CONCLUSION OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record the Board concludes that the applicant is seeking a variance from the rear yard requirement to construct a deck addition to a single-family dwelling.

Granting such variance requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. Further, the Board must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicants have not met the burden of proof relative to the zoning relief requested in this application.

The Board further concludes that there is no uniqueness inherent in the subject property which would create a practical difficulty for the applicants and deprive them of reasonable use of the property. A rear yard deck could be built on the subject property as a matter of right if its depth were reduced.

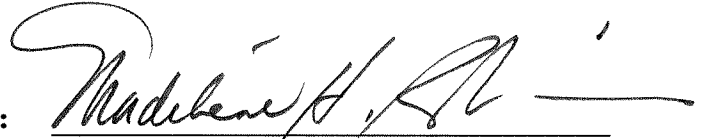
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Based on the foregoing, the Board **ORDERS** that the application be **DENIED**.

VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to deny; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JUN 23 1994

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15718Order/JM/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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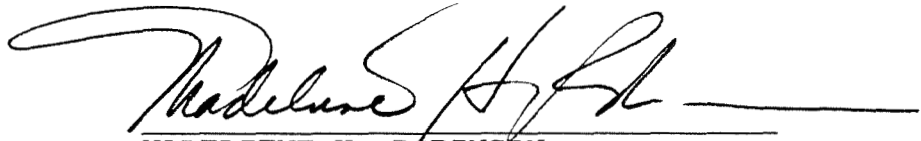
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 23 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Dickson Carroll
2910 Ordway Street, N.W.
Washington, D.C. 20008

Donald and Carol Borut
6401 31st Place, N.W.
Washington, D.C. 20015

Anne M. Renshaw, Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252
Washington, D.C. 20015


MADELIENE H. ROBINSON
Director

DATE: JUN 23 1994

15718Att/bhs